

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

IN RE MAMMOTH ENERGY
SERVICES, INC. SECURITIES
LITIGATION

Case No.: CIV-19-522-J

**LEAD PLAINTIFFS' UNOPPOSED MOTION FOR LEAVE TO FILE
OVERSIZED OPENING BRIEF IN SUPPORT OF UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL OF THE SETTLEMENT AND APPROVAL OF
NOTICE TO THE SETTLEMENT CLASS**

Lead Plaintiffs respectfully request that the Court enter an order granting Lead Plaintiffs leave to file on or before Monday, May 3, 2021, a brief of thirty-five (35) pages in length, ten pages in excess of the twenty-five (25) page limit set forth in Local Civil Rule 7.1(e), in support of their Motion for Preliminary Approval of the Settlement and Approval of Notice to the Settlement Class. Defendants do not oppose the relief sought in this motion.

Lead Plaintiffs' Motion for Preliminary Approval of the Settlement and Approval of Notice to the Settlement Class is due on May 3, 2021, and therefore this motion is timely under Local Civil Rule 7.1(e).

As grounds therefore, Lead Plaintiffs state as follows:

1. On January 26, 2021, the Court entered an Order (ECF No. 121) granting Defendant Keith Ellison's Motion to Dismiss the Second Amended Complaint ("SAC") and granting in part and denying in part the Motion to Dismiss filed by Defendants Mammoth Energy Services, Inc. ("Mammoth"), Arty Straehla, and Mark Layton.

2. On February 4, 2021, Defendants Mammoth, Straehla, and Layton moved for an extension of time to file their Answer to the SAC. (ECF No. 122.) The Court granted the motion and extended the due date for their Answer to March 2, 2021. (ECF No. 123.)

3. On February 22, 2021, Defendants Mammoth Straehla, and Layton moved for a second extension of time to file their Answer to the SAC. (ECF No. 124.) The Court granted the motion and extended the due date for their Answer to April 1, 2021. (ECF No. 124.)

4. On March 16, 2021, Lead Plaintiffs and Defendants Mammoth, Straehla, and Layton filed a Joint Notice of Settlement (ECF No. 126), which represented that the parties had reached a settlement-in-principle but needed time to memorialize the terms of the settlement and obtain approval of the settlement from the Court. The Notice further requested that the Court administratively close the case for forty-five (45) days to give the parties sufficient time to finalize the settlement documents.

5. On March 18, 2021, this Court entered an Administrative Closing Order (ECF No. 127), granting the parties forty-five days (45) in which to move to reopen proceedings to obtain a final disposition of the action.

6. Plaintiffs' motion for preliminary approval is accordingly due May 3, 2021.

7. Plaintiffs seek leave from the Court to file an oversized brief in support of their Motion for Preliminary Approval of the Settlement and Approval of Notice to the Settlement Class not to exceed thirty-five (35) pages.

8. Because there is no scheduling order entered in the case and the case is administratively closed, the relief requested in this Motion should not affect any other case management deadlines.

9. Defendants have no objection to Plaintiffs' request to file an opening brief in support of a Motion for Preliminary Approval of the Settlement and Approval of Notice to the Settlement Class not to exceed thirty-five (35) pages.

10. This motion is not submitted for purposes of obtaining unfair advantage. Rather, the factual and legal issues inherent in making the required showing for preliminary approval of a class settlement necessitate filing a longer brief than afforded by Local Civil Rule 7.1(e).

11. A proposed order shall be submitted in accordance with Local Civil Rule 5.5.

RELIEF REQUESTED

WHEREFORE, Lead Plaintiffs seek an Order from this Court granting Lead Plaintiffs leave to file an opening brief in support of their forthcoming Motion for Preliminary Approval of the Settlement and Approval of Notice to the Settlement Class not to exceed thirty-five (35) pages.

April 29, 2021

Respectfully submitted,

/s/ Jeffrey C. Block

Jeffrey C. Block (*pro hac vice*)

Jacob A. Walker (*pro hac vice*)

Block & Leviton LLP

260 Franklin Street, Suite 1860

Boston, Massachusetts 02110

(617) 398-5600 phone

(617) 507-6020 fax

jeff@blockleviton.com

jake@blockleviton.com

*Lead Counsel for
Lead Plaintiffs and the Class*

C. Michael Copeland OBA No. 13261
Jones, Gotcher & Bogan P.C.
3800 First Place Tower
15 East 5th Street
Tulsa, Oklahoma 74103
(918) 581-8200 phone
(918) 583-1189 fax
mcopeland@jonesgotcher.com

*Local Counsel for
Lead Plaintiffs and the Class*

CERTIFICATE OF SERVICE

I certify that on April 29, 2021, I electronically transmitted the above document to the Clerk of the Court using the Electronic Case Filing System for filing. Based on the records currently on file in this case, the Clerk of the Court will transmit a Notice of Electronic Filing to those registered participants of the ECF System.

s/ Jeffrey C. Block
Jeffrey C. Block